

Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1
Filed: September 2, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paolo Costantino
Junior Party
(U.S. Patent Application 12/321,420),

v.

Robert P. Ryall
Senior Party
(U.S. Patent Application 10/054,638).

Patent Interference No. 105,830 (MPT)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x." 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s), and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 2:00 pm on October 20, 2011 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120, & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventor: Paolo Costantino, Siena, Italy

Involved Application: U.S. Application 12/321,420, filed
January 20, 2009

Title: Capsular Polysaccharide Solubilisation and
Combination Vaccines

Assignee: Novartis Pharma AG

Senior Party

Named Inventor: Robert P. Ryall, Stroudsburg, PA

Involved Patent: U.S. Application 10/054,638, filed
January 22, 2002

Title: Multivalent Meningococcal Polysaccharide-
Protein Conjugate Vaccine

Assignee: Aventis Pasteur Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

A composition according to claim 67 of U.S. Application 12/321,420 or claim 18 of U.S. Application 10/054,638.

The claims of the parties are:

Costantino, U.S. Application 12/321,420:	67
Ryall, U.S. Application 10/054,638:	18

The claims of the parties which correspond to Count 1 are:

Costantino, U.S. Application 12/321,420:	67
Ryall, U.S. Application 10/054,638:	18

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Costantino, U.S. Application 12/321,420:	None
Ryall, U.S. Application 10/054,638:	None

The parties are accorded the following benefit for Count 1:

Costantino is accorded benefit of the following earlier filed applications:

- i) U.S. Application 10/481,457, filed December 3, 2004;
PCT/IB02/03191, filed June 20, 2002; and
GB 0115176.0, filed June 20, 2001

Ryall is accorded benefit of the following earlier filed application:

- i) U.S. Provisional Application 60/263,435, filed January 23, 2001.

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paolo Costantino
Junior Party
(U.S. Patent Application 12/321,420),

v.

Robert P. Ryall
Senior Party
(U.S. Patent Application 10/054,638).

Patent Interference No. 105,830 (MPT)
(Technology Center 1600)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Michael P. Tierney/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy of claim of U.S. Application 12/321,420
Copy of claim of U.S. Application 10/054,638

cc (via overnight delivery):

Counsel for Costantino:

Novartis Vaccines and Diagnostics, Inc.
Intellectual Property – X100B
4560 Horton Street
Emeryville, CA 94608

Counsel for Ryall:

T. Helen Payne
Aventis Pasteur, Inc.
Intellectual Property
One Discovery Drive
Swiftwater, PA 18370